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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,038	04/08/1999	MITSUO NIIDA	35.C13444US	6992

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NEW YORK, NY 10112

EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 07/01/2003 11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/288,038

Applicant(s)

NIIDA ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,17-20 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,17-20 and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

*Claim Rejections - 35 USC § 103*

1. Claim 1, 4, 7, 17-20, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US 5,938,735) further in view of Housel (US 6,453,343).

Regarding claims 1 and 20, Malik teaches a method and apparatus for a data communication system (fig. 4). The system comprises a controller (fig. 4 box 24), a destination node (fig. 4 box 160), a source node (fig. 4 box 100) node adapted to transfer object data asynchronously using a communication protocol selected by the controller and a logical connection set by the controller (col. 8 lines 29 - 34).

The controller is adapted to obtain information about a communication capability of the source node (fig. 4 box 100) from a first register and the destination node (fig. 4 box 160) at a first register (identify the common attributes, col. 8 lines 29 - 34), to select a common protocol using the information obtained from the source node and the destination node (col. 8 lines 29 - 34), to set a logical connection between the source node and the destination node (allocate the B channel resources, col. 8 lines 29 - 34). The examiner equates the source terminal (fig. 4 box 100) as the first register of the source and the destination terminal (fig. 4 box 160) as the first register of the destination.

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Malik fails to teach storing information about the communication protocol and information for the selected communication protocol at the source and destination nodes in a second register.

Housel teaches storing information about the communication protocol at the source and destination nodes in a second register (fig 6 box 104, fig. 7 box 118, col. 14 lines 64-66, col. 15 lines 56-58). The examiner equates Housel's copying protocol cache to temporary cache with the applicant's storing information indicating a communication protocol selected by a controller of a communication system.

Therefore it would have been obvious to one of ordinary skill in the art, having both Malik and Housel before him/her and with the teachings [a] as shown by Malik, a system for identifying the common communication attributes of the destination and source terminals, and [b] as shown by Housel, storing information about the communication protocol at the source and destination nodes, to be motivated to modify the system of Malik by storing the communication protocol selected by the controller at protocol caches located at the source and destination. This would improve the system of Malik, by allowing the user to benefit by being able to use the protocol cache of

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the previous session rather than restarting with a "cold" start (Housel: col. 14 lines 23-28).

Housel is silent on storing the information for the selected communication protocol / logical connection set by the controller.

The examiner takes official notice that this would have been obvious to one skilled in the art to also store the logical connection if the connection were not statically assigned given that the protocol has been stored.

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of Malik and Housel before him/her, a system for identifying the common communication attributes of the destination and source terminals and storing information about the communication protocol at the source and destination nodes, to be motivated to modify the system of the combination of Malik and Housel by also storing information about the logical connections between the source and the destinations at both locations. This could be performed using cache as done with the protocol cache. This would improve the system by allowing the user to benefit by being able to use the previous logical connections rather than restarting with a "cold" start.

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Regarding claims 4 and 27, the controller is adapted to select a communication protocol using a broadcast transaction or another communication protocol (Malik: I.451/Q.931, col. 6 lines 61-64).

Regarding claims 7 and 28, the controller is adapted to select a communication protocol using a write transaction or another communication protocol (Malik: I.451/Q.931, col. 6 lines 61-64).

Regarding claims 17 and 29, the communication line of the communication system is a serial bus (Malik: fig. 4 connection 27, col. 6 lines 13 - 16).

Regarding claims 18 and 30, the communication system conforms to an IEEE 1394-1995 standard (Malik: col. 10 lines 13-16).

Regarding claims 19 and 31, the object data includes image data (Malik: col. 6 lines 37-41).

***Response to Arguments***

2. Applicant's arguments filed 5/22/2003 have been fully considered but they are not persuasive.

The applicant contends, Housel does not teach or suggest a second register that stores information indicating a communication protocol selected by a controller of a communication system and information for the selected communication protocol (applicant: pg. 8 lines 15-17). The examiner disagrees.

As previously stated in the prior office action Housel teaches copying protocol cache to temporary cache (fig. 6 box 104, fig. 7 box 118). The examiner equates Housel's copying protocol cache to temporary cache with the applicant's storing information indicating a communication protocol selected by a controller of a communication system. This would improve the system of Malik, by allowing the user to benefit by being able to use the protocol cache of the previous session rather than restarting with a "cold" start (Housel: col. 14 lines 23-28).

Regarding information for the selected communication protocol, as previously stated, the examiner takes official notice that this would have been obvious to one skilled in the art to also store the logical connection if the connection were not statically assigned given that the protocol has been stored.

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This would improve the system by allowing the user to benefit by being able to use the previous logical connections rather than restarting with a "cold" start.

### **Conclusion**

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

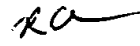
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

  
Ronald Abelson  
Examiner  
Art Unit 2666

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June 27, 2003

  
DANSTON  
PATENT EXAMINER